



b. Amend the pleadings

**Plaintiffs:** June 15, 2018.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

c. File motions, including summary judgment and other dispositive motions:

**Plaintiffs:** File Motions for Conditional Certification and Decertification – May 15, 2018.

File Summary Judgment and Other Dispositive Motions – September 17, 2018.

File Daubert Motions – July 13, 2018

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

d. complete discovery:

**Plaintiffs:** August 15, 2018.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- e. Designate expert witnesses and rebuttal expert witnesses and make the expert disclosures required by Rule 26(a)(2).

**Plaintiffs:** Designate Expert Witnesses and Make Expert Disclosures - for party with the burden of proof, May 15, 2018.

For a party without the burden of proof on an issue, June 15, 2018.

Rebuttal experts designated by an opposing party, thirty (30) days after the initial designation of experts.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- 2. The parties views and proposals on matters listed in Rule 26(f)(3)(A)-(F).

- (A) What changes should be made in the timing, form or requirements for disclosures under Rule 26(a), including a statement of when initial disclosures were made or will be made.

**Plaintiffs:** Rule 26(a) disclosures should be made no later than 30 days from the date a scheduling order is entered in this case.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- (B) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.

**Plaintiffs:** Plaintiffs state that they intend to take discovery on the Plaintiffs' job duties, working hours, the Defendants' payroll practices, the Defendants' status as employers under the FLSA, the Defendants' knowledge of the requirements of the FLSA, the identity of witnesses, including co-workers, with knowledge of the above

matters, and FLSA coverage if the Defendants do not stipulate to same. Plaintiffs further intend to take discovery on the issue(s) of any affirmative defense(s) raised by Defendants. Plaintiffs believe discovery should be completed by August 15, 2018 and that discovery should not be conducted in phases or limited to particular issues.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- (C) Any issues about disclosure or discovery of electronically stored information, including the form or forms in which such it should be produced.

**Plaintiffs:** Plaintiffs propose that electronically stored information be produced in the form or forms in which it is ordinarily maintained.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- (D) Any issues about claims of privilege or of protection as trial-preparation materials, including – if the parties agree on a procedure to assert these claims after production – whether to ask the court to include their agreement in an order.

**Plaintiffs:** Plaintiffs propose that any assertion of privilege should be made according to the requirements of the Federal Rules of Civil Procedure. Plaintiffs further propose that no inadvertent production or disclosure of privileged materials will constitute a blanket waiver of privilege, and that the parties will cooperate with each other regarding the return of any inadvertently produced document or disclosure.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- (E) What changes should be made in the limitations on discovery imposed under these rules or by local rules, and what other limitations should be imposed.

**Plaintiffs:** No changes should be made to the limitations on discovery imposed under the federal or local rules governing the litigation of this cause of action.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- (F) Any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).

**Plaintiffs:** None at this time.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

### 3. CONSENT TO MAGISTRATE JUDGE:

- a. A statement about whether all the parties consent to referring this case to a magistrate judge for jury or nonjury trial, pursuant to 28 U.S.C. Sec. 636 (c)

(unless all parties consent the proposal need not identify the parties who do not consent).

The Parties do not consent to referral of this case to a magistrate judge for jury trial pursuant to 28 U.S.C. Sec. 636(c) at this time.

#### 4. ALTERNATIVE DISPUTE RESOLUTION

- a. A statement about whether and when it is advisable to refer the case for alternative dispute resolution or to conduct a court-supervised settlement conference.

**Plaintiffs:** Plaintiffs believe that mediation will be most effective in this case after initial written discovery and depositions have been taken.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

#### 5. LOCAL COUNSEL

- a. if a party is required under N.D. Tex. Civ. R. 83.10(a) to have local counsel, under a separate heading, the date local counsel entered an appearance or that the party moved for leave to proceed without local counsel.

**Plaintiffs:** Plaintiffs are not required to have local counsel under N.D. Tex. Civ. R. 83.10(a).

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

## 6. CERTIFICATES OF INTERESTED PERSONS

- a. under a separate heading, the date a certificate of interested persons required under N.D. Tex. Civ. R. 3.1(c), 3.2(e), 7.4, or 81.1(a)(3)(D) was filed by a party or the party adopted another party's certificate of interested persons.

**Plaintiffs:** Plaintiffs filed their Certificate of Interested Persons on September 7, 2017. *See (DE 2).*

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

## PERMITTED CONTENTS:

- a. A proposed modification of the timing of disclosures under Rule 26(a) and Rule 26(e)(1):

**Plaintiffs:** Rule 26(a) disclosures should be made no later than 30 days from the date a scheduling order is entered in this case.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- b. Proposed modifications to the extent of discovery otherwise permitted under the Rules:

**Plaintiffs:** None.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of

the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- c. Proposals for disclosure or discovery of electronically stored information;

**Plaintiffs:** Plaintiffs propose that electronically stored information be produced in the form or forms in which it is ordinarily maintained.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- d. Any agreements the parties have reached for asserting claims of privilege or of protection as trial-preparation material after information is produced.

**Plaintiffs:** Plaintiffs propose that any assertion of privilege should be made according to the requirements of the Federal Rules of Civil Procedure. Plaintiffs further propose that no inadvertent production or disclosure of privileged materials will constitute a blanket waiver of privilege, and that the parties will cooperate with each other regarding the return of any inadvertently produced document or disclosure.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.



- e. A proposed procedure for requiring that, before moving for an order relating to discovery, the movant must request a conference with the magistrate or district judge;

**Plaintiffs:** Plaintiffs do not believe that such a procedure would be helpful in this case. If such a procedure is put in place in this case, Plaintiffs propose that the party requesting the conference be required to file a notice making the request and that the conference be held within ten (10) days of the filing of the notice.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- f. The date or dates for pretrial conferences, for a final pretrial conference, and for trial; and

**Plaintiffs:** Plaintiffs do not believe that a scheduling conference with the Court is necessary; and do not propose any particular dates for pretrial or final pretrial conferences. Plaintiffs propose a trial date in June, 2019.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

- g. Any other appropriate matters.

**Plaintiffs:** As of the time of this filing, counsel has not appeared for Defendant St. Augustine Old Roman Catholic Church, A Parish of the Old Roman Catholic Church in North America and neither of the Defendants appear to have filed a document that would qualify as a responsive pleading. *See e.g. (DE 10)*. Given that Defendant Parnell is currently proceeding *pro se*, Plaintiffs propose that the Court also set deadlines for: 1) counsel for Defendant St. Augustine Old Roman Catholic Church, A Parish of the Old Roman Catholic Church in North America to appear in this case; and, 2) Defendants to file a document that qualifies as a responsive pleading.

**Defendants:** Counsel has not yet appeared in this case on behalf of Defendants, but it has been represented to Plaintiffs' counsel that Defendants are working to retain counsel. Therefore, after making contact with Mr. Parnell via telephone, counsel for Plaintiffs attempted to confer with Defendant John Parnell via email on November 24, 2017 by sending a copy of this JSR with Plaintiffs' portions of the report, and then following up on December 1, 2017 and December 4, 2017. As of the time of this filing, counsel for Plaintiffs has not received Defendants' portions of this status report from Mr. Parnell.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on all counsel and parties of record by electronic service in accordance with the local rules of the United States District Court for the Northern District of Texas, Dallas Division this 4th day of December, 2017.

s/ Joshua A. Petersen  
Joshua A. Petersen  
Counsel for the Plaintiff(s)